THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :27360 of 1998

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Dated: 26.09.2005

Between:

K. Pitchaiah, S/o Sri Veeraiah

..**Petitioner**

And

1. The Government of A.P., represented by its

Secretary Department of Atomic Energy, New Delhi

and three others. **.. Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO :27360 of 1998

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ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 24.7.1998 in M.A.No.576 of 1998 in RA (SR) No.1853 of 1998 in M.A.No.6 of 1998 in O.A.No.1363 of 1995 on the file of the A.P.

Administrative Tribunal, Hyderabad.

The writ petitioner is the applicant in the O.A.

Originally, the applicant filed the O.A. seeking a direction to the respondents to provide employment in any suitable post. The said O.A. was dismissed for default on 11.9.1997. Hence, the applicant filed M.A.No.6 of 1998 seeking restoration of the O.A. and the said application was also dismissed by an order, dated 1.1.1998. Thereafter, the applicant filed RA (SR) with a delay condone petition in M.A.No.576 of 1998 stating that he met with an accident.

The Tribunal dismissed the delay condone application and rejected the RASR on the ground that the applicant failed to inform about the accident either through letter or one of his colleagues and the reasons assigned by the applicant are not reasonable and convincing. Having aggrieved by the same, the present writ petition is filed.

Heard the learned counsel.

The learned Counsel for the applicant contends that the applicant met with an accident while he was proceeding to the Tribunal on 1.1.1998 and admitted in hospital and his ankle was fractured and therefore, he could not attend the Court on 1.1.1998 and his absence is not willful and wanton. He further contends that due to fracture to his ankle, he could not come out and as such, delay has occurred in filing the RASR, and therefore, the order of the tribunal is liable to be set aside.

On the other hand, the learned Standing Counsel opposed the writ petition.

Admittedly, the applicant is one of the land loosers. It is the case of the applicant that as per the agreement between the land loosers and the respondent-project, employment has to be provided to one of the family members of the land loosers. If that being the case, the issue involved in the lis shall be decided on its own merits but not on mere technicalities in order to avoid multiplicity of the

proceedings of this nature.

Apart from that, in view of the submission made by the learned counsel for the applicant and the reasons assigned by the applicant as to his absence and delay, without going into the merits of the case, we deem it appropriate to set aside the order of the tribunal and to restore RASR 1853 of 1998.

Accordingly, the writ petition is allowed setting aside the Order of the Tribunal in M.A.No.586 of 1998 and consequently, the RASR stands restored. No costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 26.09.2005

Nn.